

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 763

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY; APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE WATER POLLUTION CONTROL FUND TO THE ENVIRONMENTAL REMEDIATION BASIN FUND FOR FISCAL YEAR 2023; PROVIDING REMEDIATION PROJECT REPORTING REQUIREMENTS; PROVIDING REQUIREMENTS FOR THE WATER POLLUTION CONTROL FUND; PROVIDING REQUIREMENTS FOR THE HAZARDOUS WASTE EMERGENCY FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY GENERAL FUND TO THE AGRICULTURAL BEST MANAGEMENT PRACTICES FUND FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE AGRICULTURAL BEST MANAGEMENT PRACTICES FUND FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE CONFINED ANIMAL FEEDING OPERATIONS IMPROVEMENT FUND FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WATER POLLUTION CONTROL FUND FOR FISCAL YEAR 2022; PROVIDING REQUIREMENTS FOR THE USE OF THE ARPA STATE FISCAL RECOVERY FUND; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE ADMINISTRATION AND SUPPORT SERVICES AND WASTE MANAGEMENT AND REMEDIATION PROGRAMS FOR FISCAL YEAR 2022; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Department of Environmental Quality the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION AND SUPPORT SERVICES:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$2,822,100	\$1,605,400	\$1,219,400		\$5,646,900
Air Quality Permitting					
Fund	234,800	71,600	61,300		367,700
Public Water System Supervision					
Fund	294,600	56,500	46,800		397,900

	FOR	FOR	FOR	FOR	TOTAL
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	
				PAYMENTS	
1					
2					
3					
4					
5	Environmental Remediation (Box)				
6	Fund	10,300			10,300
7	Environmental Remediation (Basin)				
8	Fund	14,600	14,400	12,400	41,400
9	Department of Environmental Quality (Receipts)				
10	Fund	267,200	87,800	73,300	428,300
11	Idaho Underground Storage Tank Program				
12	Fund	57,600	15,900	14,000	87,500
13	IPDES Program				
14	Fund	226,200	50,500	44,400	321,100
15	Bunker Hill Trust				
16	Fund	27,300	6,800	5,800	39,900
17	Department of Environmental Quality (Federal)				
18	Fund	1,511,100	1,085,500	938,600	3,535,200
19	ARPA State Fiscal Recovery				
20	Fund	<u>419,000</u>	<u>0</u>	<u>0</u>	<u>419,000</u>
21	TOTAL	\$5,884,800	\$2,994,400	\$2,416,000	\$11,295,200
22	II. AIR QUALITY:				
23	FROM:				
24	Department of Environmental Quality (General)				
25	Fund	\$4,297,700	\$210,600		\$4,508,300
26	Air Quality Permitting				
27	Fund	1,414,400	59,700	\$63,000	1,537,100
28	Department of Environmental Quality (Receipts)				
29	Fund	402,000	393,000	300,000	1,095,000
30	Department of Environmental Quality (Federal)				
31	Fund	<u>1,249,200</u>	<u>1,971,200</u>	<u>1,241,400</u>	<u>4,461,800</u>
32	TOTAL	\$7,363,300	\$2,634,500	\$1,604,400	\$11,602,200
33	III. WATER QUALITY:				
34	FROM:				
35	Department of Environmental Quality (General)				
36	Fund	\$8,464,800	\$1,692,900	\$967,500	\$11,125,200
37	Public Water System Supervision				
38	Fund	1,321,800	499,700		1,821,500

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
1					
2					
3					
4					
5	Department of Environmental Quality (Receipts)				
6	Fund	651,400	1,003,500	2,521,600	4,176,500
7	IPDES Program				
8	Fund	949,400	49,400		998,800
9	Department of Environmental Quality (Federal)				
10	Fund	5,251,500	1,440,000	2,333,200	9,024,700
11	ARPA State Fiscal Recovery				
12	Fund	<u>421,500</u>	<u>13,500</u>	<u>59,452,200</u>	<u>59,887,200</u>
13	TOTAL	\$17,060,400	\$4,699,000	\$65,274,500	\$87,033,900
14	IV. COEUR D'ALENE BASIN COMMISSION:				
15	FROM:				
16	Department of Environmental Quality (General)				
17	Fund	\$144,500	\$10,200		\$154,700
18	Environmental Remediation (Basin)				
19	Fund	74,800	15,500		90,300
20	Department of Environmental Quality (Federal)				
21	Fund	<u>16,000</u>	<u>0</u>	<u>\$50,000</u>	<u>66,000</u>
22	TOTAL	\$235,300	\$25,700	\$50,000	\$311,000
23	V. WASTE MANAGEMENT AND REMEDIATION:				
24	FROM:				
25	Department of Environmental Quality (General)				
26	Fund	\$2,972,400	\$152,700	\$94,600	\$3,219,700
27	Hazardous Waste Emergency				
28	Fund		200,000		200,000
29	Environmental Remediation (Box)				
30	Fund	272,600	76,600	150,500	499,700
31	Environmental Remediation (Basin)				
32	Fund	383,400	41,800	200,000	625,200
33	Department of Environmental Quality (Receipts)				
34	Fund	826,000	127,100	51,800	1,004,900
35	Idaho Underground Storage Tank Program				
36	Fund	263,100	25,000		288,100
37	Bunker Hill Trust				
38	Fund	109,100	2,957,000	300,000	3,366,100

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
5	Department of Environmental Quality (Federal)				
6	Fund	2,940,300	3,630,500	3,015,500	9,586,300
7	ARPA State Fiscal Recovery				
8	Fund	<u>994,000</u>	<u>8,432,800</u>	<u>4,000,000</u>	<u>13,426,800</u>
9	TOTAL	\$8,760,900	\$15,643,500	\$7,812,400	\$32,216,800
10	VI. IDAHO NATIONAL LABORATORY OVERSIGHT:				
11	FROM:				
12	Department of Environmental Quality (General)				
13	Fund	\$96,900	\$8,700		\$105,600
14	Department of Environmental Quality (Federal)				
15	Fund	<u>1,104,200</u>	<u>918,800</u>	<u>\$146,900</u>	<u>2,169,900</u>
16	TOTAL	\$1,201,100	\$927,500	\$146,900	\$2,275,500
17	GRAND TOTAL	\$40,505,800	\$26,924,600	\$2,416,000	\$74,888,200
				\$74,888,200	\$144,734,600

18 SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519,
19 Idaho Code, the Department of Environmental Quality is authorized no more
20 than three hundred eighty-seven (387.00) full-time equivalent positions
21 at any point during the period July 1, 2022, through June 30, 2023, unless
22 specifically authorized by the Governor. The Joint Finance-Appropriations
23 Committee will be notified promptly of any increased positions so autho-
24 rized.

25 SECTION 3. CASH TRANSFER FOR WASTE REMEDIATION. There is hereby ap-
26 propriated to the Department of Environmental Quality and the Office of the
27 State Controller shall transfer \$1,500,000 from the Water Pollution Control
28 Fund to the Environmental Remediation (Basin) Fund on July 1, 2022, or as
29 soon thereafter as practicable for the period July 1, 2022, through June 30,
30 2023, to be used for Superfund cleanup projects in the Coeur d'Alene Basin.

31 SECTION 4. REMEDIATION PROJECT REPORTING REQUIREMENTS. Moneys de-
32 posited into the Environmental Remediation (Basin) Fund shall be used for
33 remediation of the Coeur d'Alene Basin in accordance with the Superfund
34 contract with the Environmental Protection Agency. The Department of En-
35 vironmental Quality shall submit an annual report to the Governor, the
36 Legislature, and the Coeur d'Alene Basin Environmental Improvement Project
37 Commission on the remediation progress and the expenditures involved.

38 SECTION 5. USES OF THE WATER POLLUTION CONTROL FUND. The appropriation
39 of moneys from the Water Pollution Control Fund in this act shall specifi-
40 cally supersede the provisions of Section 39-3630, Idaho Code.

1 SECTION 6. USES OF THE HAZARDOUS WASTE EMERGENCY FUND. The appropri-
2 ation of moneys from the Hazardous Waste Emergency Fund in this act shall
3 specifically supersede the provisions of Section 39-4417, Idaho Code.

4 SECTION 7. CASH TRANSFER FOR AGRICULTURAL BEST MANAGEMENT PRACTICES
5 FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY GENERAL FUND. Of the amount
6 appropriated in Section 1 of this act, there is hereby appropriated and the
7 Office of the State Controller shall transfer \$279,000 from the Department
8 of Environmental Quality (General) Fund to the Agricultural Best Management
9 Practices (BMP) Fund on July 1, 2022, or as soon thereafter as practicable
10 for the period July 1, 2022, through June 30, 2023.

11 SECTION 8. CASH TRANSFER FOR AGRICULTURAL BEST MANAGEMENT PRACTICES
12 FROM THE GENERAL FUND. There is hereby appropriated and the Office of the
13 State Controller shall transfer \$5,000,000 from the General Fund to the
14 Agricultural Best Management Practices (BMP) Fund as soon as practicable for
15 the period July 1, 2021, through June 30, 2022.

16 SECTION 9. CASH TRANSFER FOR CONFINED ANIMAL FEEDING OPERATIONS IM-
17 PROVEMENTS FROM THE GENERAL FUND. There is hereby appropriated and the
18 Office of the State Controller shall transfer \$5,000,000 from the General
19 Fund to the Confined Animal Feeding Operations (CAFO) Improvement Fund as
20 soon as practicable for the period July 1, 2021, through June 30, 2022.

21 SECTION 10. CASH TRANSFER FOR WATER POLLUTION CONTROL FROM THE GENERAL
22 FUND. There is hereby appropriated to the Department of Environmental Qual-
23 ity and the Office of the State Controller shall transfer \$44,000,000 from
24 the General Fund to the Water Pollution Control Fund as soon as practicable
25 for the period July 1, 2021, through June 30, 2022, to be used for the state
26 match for federal water infrastructure grants.

27 SECTION 11. USES OF ARPA STATE FISCAL RECOVERY FUND. It is the intent of
28 the Legislature to provide approximately \$300,000,000 of the American Res-
29 cue Plan Act (ARPA) funding to support construction of drinking water and
30 wastewater projects. Moneys shall be appropriated from the ARPA State Fis-
31 cal Recovery Fund for this purpose. The Department of Environmental Quality
32 (DEQ) may use the ARPA State Fiscal Recovery Fund to fund all eligible plan-
33 ning grant requests received consistent with existing processes. DEQ shall
34 provide ARPA funding in the form of grants for construction of drinking water
35 and wastewater projects using a tiered approach that provides the highest
36 level of grant funding to systems with the greatest level of need but least
37 ability to pay, as determined by factors including size of system (smaller
38 systems rank higher), monthly user rates, median income, and readiness to
39 proceed. DEQ may consider all projects meeting the intended criteria where
40 costs were incurred after March 3, 2021, and where construction will be com-
41 pleted prior to December 31, 2026. This includes funding cost overruns for
42 existing state revolving loan-funded projects currently under construction
43 if they are due to factors such as increased labor and material costs. DEQ
44 shall provide a written update of recipients to germane legislative commit-
45 tees upon approval by the Board of Environmental Quality. DEQ shall submit

1 a report to the Governor and the Legislature detailing progress and expendi-
2 tures by January 6, 2023.

3 SECTION 12. In addition to the appropriation made in Section 1, Chap-
4 ter 228, Laws of 2021, and any other appropriation provided by law, there is
5 hereby appropriated to the Department of Environmental Quality the follow-
6 ing amounts to be expended according to the designated programs and expense
7 classes from the listed funds for the period July 1, 2021, through June 30,
8 2022, for the purpose of remediation at the Triumph Mine:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
9			
10			
11			
12	I. ADMINISTRATION AND SUPPORT SERVICES:		
13	FROM:		
14	ARPA State Fiscal Recovery		
15	Fund	\$30,400	\$30,400
16	II. WASTE MANAGEMENT AND REMEDIATION:		
17	FROM:		
18	ARPA State Fiscal Recovery		
19	Fund	\$98,000	\$1,323,800
		\$1,323,800	\$1,421,800
20	GRAND TOTAL	\$128,400	\$1,452,200
		\$1,323,800	\$1,452,200

21 SECTION 13. REAPPROPRIATION AUTHORITY. There is hereby reappropriated
22 to the Department of Environmental Quality any unexpended and unencumbered
23 balances appropriated to the Department of Environmental Quality from the
24 ARPA State Fiscal Recovery Fund for Triumph Mine remediation for fiscal year
25 2022 in an amount not to exceed \$1,452,200 from the ARPA State Fiscal Recov-
26 ery Fund, to be used for nonrecurring expenditures related to the Triumph
27 Mine for the period July 1, 2022, through June 30, 2023. The Office of the
28 State Controller shall confirm the reappropriation amount, by fund, expense
29 class, and program, with the Legislative Services Office prior to processing
30 the reappropriation authorized herein.

31 SECTION 14. An emergency existing therefor, which emergency is hereby
32 declared to exist, this act shall be in full force and effect on and after its
33 passage and approval.